

**Prepared Testimony of Lillian Rodriguez-Lopez
On Behalf of the Hispanic Federation
And
Broadband Everywhere
Before the Subcommittee on Telecommunications and the Internet
March 30, 2006**

Mr. Chairman, members of the Committee, I want to thank you for inviting me to testify here today on behalf of the Hispanic Federation, a human service organization serving over 1 million Hispanic Americans. I am also a co-chair of Broadband Everywhere, a coalition of voices, supported by the American Cable Association and NCTA, that is focused on public policies that promote broadband deployment to every neighborhood in America.

I have met and discussed this issue with intelligent people representing both industries in an effort to better understand the implications of a federal broadband bill. I feel it's important to make clear from the outset that I am not anti-Bell. I clearly support their entry into the market given the possibility of additional competition and programming in the video marketplace. I think the cable, telephone and other technology industries have offered a lot to this country and, at the end of the day, must all work together.

But I am here today to echo the position of many leading Hispanic civic organizations across the country – the position that any franchising reform legislation must contain provisions that guarantee us a reasonable and equitable deployment in Hispanic communities. Will the current legislation bring broadband competition to our neighborhoods in an equitable and reasonable deployment? That is the central question for me, and the focus of my work in this area.

Today, only one in eight Latino households has broadband services, so the stakes are high. Thus any video franchising reform legislation must ensure that Hispanic communities get access to the latest broadband technologies as fast as other communities. Nothing more, and nothing less.

For starters, the rationale for sweeping federal legislative reform has yet to be proven. I believe that, through the involvement of municipal and state governments, we can arrive at solutions that speed entry into the video market while ensuring that every neighborhood sees the benefits of broadband and video competition. On average, there are three to four cable and satellite competitors in most markets today. As I have learned, new entrants seem to get franchises relatively quickly.

But if we are going to deregulate new entrants into the video services industry, we must have meaningful non-discrimination provisions. Therefore, I urge that the Committee include provisions that require *all* providers – new and existing – to make available their latest broadband and digital services to all communities within their service footprint, regardless of an area's income, within a reasonable time period.

For example, in Dallas Texas, a limited non-discrimination provision, as some have proposed, that allows a provider to limit deployment only to areas self-selected by new providers would mean that a new provider could provide new video services only to Park Cities while potentially writing off, or delaying for many, many years, service to the largely- Hispanic Arcadia Park, so long as it didn't discriminate within Park Cities! In Detroit, this kind of limited non-discrimination provision would mean that a service provider would first bring service to wealthier communities such as Bloomfield Hills

while totally ignoring or intolerably delaying deployment to Dearborn Heights and Detroit, so long as the provider did not discriminate within Bloomfield Hills!

In my home state of New Jersey, I and other Hispanic leaders insist that we see deployment that includes a significant number of low-income, urban, and minority communities in a reasonable timeframe. I am not naïve. I do understand that deployment must occur in stages and that certain priorities will be established. But, at the same time, we need to maintain a legal system that protects the critical role of local governments in ensuring that historically underserved communities are guaranteed access to the latest broadband and video services within a reasonable and enforceable time period. Both the telecom and cable industries must continuously work to erase the digital divide that afflicts both underserved and middle class communities. And Congress must support policies and laws that serve to close the digital divide and promote American competitiveness and productivity. Only with policies that address those two priorities can the Hispanic community truly benefit.

Thus, the *acid test* of any meaningful reform legislation is that it protects the access to the latest broadband technologies for the greatest number of Americans, including the poor, urban and minority communities within a provider's entire service footprint.

Finally, non-discrimination provisions must have teeth. Indeed, the old saying that "a right without a remedy is no right at all" is clearly applicable here. Federal and state enforcement authorities must therefore have the explicit authority to revoke licenses of any telecom or cable provider that impermissibly discriminates in the provision of new advanced broadband and video services.

I believe that Congress can pass legislation that will reform the process without doing damage to protections that have been in place for nearly 20 years, and which serve as the only meaningful national broadband policy in place today. But video franchising legislation without enforceable protections and oversight will set our communities back decades in an age of information technology and global competition where none of us – least of all Hispanic Americans -- has a moment to lose.